

AMENDED IN ASSEMBLY JULY 16, 2003
AMENDED IN ASSEMBLY JULY 3, 2003
AMENDED IN ASSEMBLY JUNE 19, 2003
AMENDED IN SENATE MAY 7, 2003
AMENDED IN SENATE APRIL 22, 2003
AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 606

Introduced by Senator Vasconcellos

**(Coauthors: Senators Alpert, Florez, Karnette, McPherson,
Morrow, Speier, and Vincent)**

**(Coauthor: Assembly Members Chan, Cohn, Diaz, Koretz, Laird,
Lieber, Longville, Montanez, Nunez, Pavley, and Wyland)**

February 20, 2003

An act to amend Section 49455 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 606, as amended, Vasconcellos. Pupil health: vision appraisal.

(1) Existing law requires, upon first enrollment in a California school district of a pupil at a California elementary school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, the pupil's vision to be appraised by the school nurse or other authorized person, as specified.

This bill would also require that if a vision appraisal is conducted, each pupil is to receive a notice and questionnaire regarding pupil vision, which he or she would be instructed to deliver to his or her parent

or guardian. The bill would *require each school to commence that distribution no later than September 1, 2004.*

The bill would, in addition, set forth the text of the notice and the manner in which the department is required to develop the questionnaire. The bill would provide that the notice and questionnaire may be included with any other written communication sent to a parent or guardian and that in the interest of efficiency, it may be sent to the parents or guardians of pupils not subject to a vision appraisal in addition to the parents or guardians of pupils that have received a vision appraisal. By imposing additional duties on school districts relating to vision appraisals, this bill would impose a state-mandated local program.

This bill would authorize the department to amend the notice and questionnaire after consultation with qualified eye care professionals.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The people of California recognize the significance of
4 ensuring that each and every pupil is tested periodically for vision
5 acuity.

6 (b) Pupils with treatable vision obstacles that go undiagnosed,
7 whose parent or guardian may not be aware of alternative
8 screening measures available to address their specific needs, can
9 become inattentive, too often underachieve, and are often labeled
10 as “at-risk”.

11 (c) There is growing evidence that many pupils in the public
12 education system, and more within the juvenile justice and
13 correctional systems, who performed poorly in school were
14 affected by undiagnosed vision problems that went undiagnosed
15 based upon the current standards for vision testing.



(d) Good vision consists of more than 20/20 eyesight and the standard for vision screening should maximize the potential for diagnosing treatable vision problems at a time critical to making a difference to the pupil's educational development by addressing a pupil's ability to understand and interpret visual information.

SEC. 2. Section 49455 of the Education Code is amended to read:

49455. (a) Upon first enrollment in a California school district of a pupil at a California elementary school, and at least every third year thereafter until the pupil has completed the eighth grade, the pupil's vision shall be appraised by the school nurse or other authorized person described in Section 49452. This evaluation shall include tests for visual acuity and color vision; however, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade. Gross external observation of the pupil's eyes, visual performance, and perception shall be performed by the school nurse and the classroom teacher.

(b) (1) (A) ~~Upon~~ *Commencing no later than September 1, 2004, upon* the performance of an appraisal pursuant to subdivision (a), each pupil shall receive a notice and questionnaire regarding the pupil's vision. Each pupil shall be instructed to deliver the notice and questionnaire to his or her parent or guardian.

(B) The notice and questionnaire may be included with any other written communication delivered to a parent or guardian. In the interest of efficiency, if a school elects to send the notice and questionnaire pursuant to this subparagraph, it may send the materials to parents or guardians of pupils not subject to a vision appraisal in addition to the parents or guardians of pupils identified in subparagraph (A).

(2) The notice ~~and questionnaire~~ shall contain the following language:

“Dear Parent or Guardian:

Your child's ability to see clearly and to accurately interpret visual information is crucial to his or her learning and success in school. To aid in identifying additional vision-related difficulties

1 that may not have been discovered through existing visual health
2 testing procedures at your child's school, but may merit treatment
3 by a qualified eye care professional, the Legislature has passed a
4 law requiring that ~~this a~~ notice and questionnaire be sent home
5 with your child if he or she has received vision acuity or color
6 visual screening at their school.

7 ~~This notice contains~~

8 *Enclosed with this notice is a questionnaire that you are*
9 *encouraged to ~~complete~~. complete."*

10 ~~PLEASE IDENTIFY ANY OF THE FOLLOWING~~
11 ~~STATEMENTS THAT DESCRIBE YOUR CHILD:~~

12 ~~Your child is behind by one or more grade levels in school.~~

13 ~~Your child's school performance is not up to his or her potential.~~

14 ~~Your child complains of blurred vision while reading and~~
15 ~~writing.~~

16 ~~Your child uses a finger or fingers as a marker when reading.~~

17 ~~Your child makes frequent reversals when reading and writing.~~

18 ~~Your child skips and rereads words or letters.~~

19 ~~Your child omits or confuses small words when reading.~~

20 ~~Your child frowns or squints to see.~~

21 ~~Your child turns or tilts his or head in order to use one eye only.~~

22 ~~Your child avoids close work or detailed activities.~~

23 ~~Your child reads in dim light.~~

24 ~~Your child loses place while reading.~~

25 ~~Your child holds reading materials closer than normal.~~

26 ~~Your child is bothered by glare from a page.~~

27 ~~Your child is sensitive to bright light.~~

28 ~~Your child reports the sensation of his or her eyes 'not working~~
29 ~~together.'~~

30 ~~One of your child's eyes turns inward, outward, upward, or~~
31 ~~downward at any time.~~

32 ~~Your child tires of looking at materials closely in a short amount~~
33 ~~of time.~~

34 ~~Your child reports pain around or in either or both of his or her~~
35 ~~eyes.~~

36 ~~Your child has red, irritated eyes or eyelids.~~

37 ~~Your child experiences excessive tearing of his or her eyes.~~

38 ~~Your child rubs his or her eyes frequently.~~

39 ~~Your child closes or covers one eye in bright light or during~~
40 ~~visual tasks.~~

1 ~~After reading or close work, your child's distance vision is~~
2 ~~blurry.~~

3 ~~Your child notices that print swims, moves, floats, or doubles.~~

4 ~~Your child sees double (two of a single thing).~~

5 ~~Your child gets headaches with eye use.~~

6 ~~Your child experiences difficulty with eye-hand-body~~
7 ~~coordination.~~

8 ~~Your child tends to bump into objects.~~

9 ~~IF THE ANSWER WAS 'YES' TO ONE OR MORE OF THE~~
10 ~~STATEMENTS ABOVE, YOU ARE ENCOURAGED TO~~
11 ~~SHOW THIS QUESTIONNAIRE TO, AND HAVE YOUR~~
12 ~~CHILD ASSESSED BY, A QUALIFIED EYE CARE~~
13 ~~PROFESSIONAL."~~

14
15 (3) *In order to make the questionnaire available pursuant to*
16 *subparagraph (A) of paragraph (1), the department shall do either*
17 *of the following:*

18 (A) *Adopt a questionnaire, if available, that has been*
19 *scientifically validated. If a scientifically validated questionnaire*
20 *is not available, the department may review other available*
21 *questionnaires for adoption.*

22 (B) *Develop a questionnaire in consultation with the State*
23 *Department of Health Services and with input from the California*
24 *Academy of Ophthalmology and the California Optometric*
25 *Association.*

26 (c) ~~Notwithstanding paragraph (2) paragraphs (2) and (3) of~~
27 ~~subdivision (b), the department may amend the notice and~~
28 ~~questionnaire after consultation with qualified eye care~~
29 ~~professionals.~~

30 (d) *The evaluation and appraisal performed pursuant to this*
31 *section may be waived, if the pupil's parents so desire, by their*
32 *presenting of a certificate from a physician and surgeon or an*
33 *optometrist setting out the results of a determination of the pupil's*
34 *vision, including visual acuity and color vision.*

35 (e) *This section does not apply to any pupil whose parents or*
36 *guardian file with the principal of the school in which the pupil is*
37 *enrolling, a statement in writing that they adhere to the faith or*
38 *teachings of a well-recognized religious sect, denomination, or*
39 *organization and in accordance with its creed, tenets, or principles*
40 *depend for healing upon prayer in the practice of their religion.*

1 SEC. 3. It is the intent of the Legislature that funds
2 appropriated to implement existing vision appraisal services shall
3 be used to support the requirements imposed by subdivision (b) of
4 Section 49455 of the Education Code.

5 SEC. 4. State and federal funds appropriated in support of
6 pupil vision appraisals or screening programs, including, but not
7 limited to, funds made available through an appropriate item in the
8 annual Budget Act, shall be considered additional revenue in
9 accordance with subdivision (e) of Section 17556 of the
10 Government Code and shall be used to offset any state-mandated
11 local costs incurred by school districts when complying with this
12 article.

13 SEC. 5. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 this act provides for additional revenue that is in an amount
16 sufficient to fund the cost of the state mandate within the meaning
17 of Section 17556 of the Government Code.

